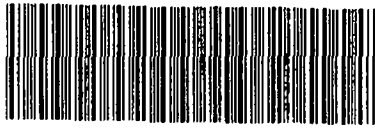


18205 1/4/2008 00109

CERTIFIED COPY

07-2-12633-9 28925088 DCLR 01-04-08

FILED
IN COUNTY CLERK'S OFFICE

A.M. JAN 04 2008 P.M.

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTYJudge D. Gary Steiner
Department 10**STATE OF WASHINGTON
PIERCE COUNTY SUPERIOR COURT**

DOUGLAS TOBIN,

NO. 07-2-12633-9

Plaintiff,

**DECLARATION OF CHARLES R.
PUDWILL**

v.

STATE OF WASHINGTON and
PIERCE COUNTY,

Defendants.

I, CHARLES R. PUDWILL, make the following declaration under penalty of perjury:

1. My name is Charles R. Pudwill. My business address is 600 Capitol Way North, Olympia, Washington 98501. I am over the age of 18 and am competent to be a witness in this matter. I make this declaration based upon my own knowledge and belief.

2. I am employed as a detective in the Enforcement Program of the Washington State Department of Fish and Wildlife. During the time period 2001 – 2004 I was involved in the investigation and prosecution of the plaintiff Douglas Tobin for theft of geoduck and other shellfish belonging to the State of Washington. In particular, I had responsibility for the inventory and disposition of property seized at the time of Douglas Tobin's arrest in March of

DECLARATION OF CHARLES R.
PUDWILL

I

ATTORNEY GENERAL OF WASHINGTON
Torts Division
7141 Cleanwater Drive SW
PO Box 40126
Olympia, WA 98504-0126
(360) 586-6300

10205 1/4/2008 00110

1 2002. I am the duly authorized custodian of records related to the seizure and disposal of
2 property belonging to Douglas Tobin at the time of his arrest in March of 2002 pursuant to the
3 search warrant issued by the Pierce County Superior Court in March of 2002. A copy of the
4 search warrant which authorized the seizure of property belonging to Douglas Tobin is
5 attached hereto as Exhibit A. All documents attached to this declaration are either true copies
6 of records of the Pierce County Superior Court related to the prosecution of Douglas Tobin in
7 2002 and 2003 or are records maintained in the ordinary course of business by the State of
8 Washington

9 3. Items seized at the time of Douglas Tobin's arrest included several vessels,
10 including the vessel Typhoon, and two other vessels, bank accounts, business records,
11 equipment related to the vessels seized, several motor vehicles, navigational equipment, diving
12 gear, and other assorted items kept on the vessels seized or other items related to the alleged
13 criminal conspiracy which was subject to prosecution by the Pierce County Prosecutor's Office
14 in Pierce County Cause Numbers 02-1-0236-3, 02-1-05810-0 and 01-1-0499-4. Pursuant to
15 the terms of Exhibit A, property belonging to or in the possession of Douglas Tobin was seized
16 in March of 2002 from the premises of Toulok Seafood, a seafood processing business owned
17 and operated by Douglas Tobin located in Fife, from his Fife residence, and from the premises
18 of Wong Tung Seafoods located in Seattle. Property was also seized from the three vessels
19 and motor vehicles which were seized. Notices of seizure and intent to forfeit were filed in
20 Pierce County Superior Court on March 25 and 29, 2002 advising of the intent of the State of
21 Washington to seek forfeiture of Mr. Tobin's interest in all the property seized at the time of
22 his arrest.

23 Attached hereto and incorporated herein as Exhibit B is a partial inventory of property
24 seized as evidence on March 18, 2002, the date of Douglas Tobin's arrest, which includes the
25 vessel Typhoon and various items of property removed from the vessel the date after his arrest.
26

DECLARATION OF CHARLES R.
PUDWILL

2

ATTORNEY GENERAL OF WASHINGTON
Torts Division
7141 Cleanwater Drive SW
PO Box 40126
Olympia, WA 98504-0126
(360) 586-6300

1 These include numerous items which related to the criminal investigation including the
2 following: engines, compressors and similar equipment related to the Typhoon; a GPS map
3 plotter; log sheets and photographs kept on the vessel; documents including fish tickets,
4 drawings of South Puget Sound waterways, vessel registration certificate and shellfish business
5 licenses; a cellular telephone; navigation charts, vessel registration; maintenance books; dive
6 logs; underwater video camera, a night vision scope and binoculars. All these items were
7 directly related to plaintiff's prosecution and constituted evidence in his prosecution. All
8 property seized at the time of plaintiff's arrest was ordered forfeited to the State of
9 Washington. In his plea of guilty to several counts of first degree theft Douglas Tobin agreed
10 that all property seized at the time of his arrest would remain the property of the State of
11 Washington.

12 4. On December 10, 2003 representatives of the Pierce County Prosecutor's Office
13 and Douglas Tobin entered into a stipulation in which it was agreed that certain items of
14 property would be returned to Douglas Tobin or his duly authorized representative. A copy of
15 this Stipulation on Forfeiture of Property is attached hereto as Exhibit C. It was agreed in this
16 stipulation that certain items of personal property found on the Typhoon having minimal value
17 (described as "[p]ersonal property found on the boat Typhoon to include, medicine bag,
18 clothing etc") and cash in the amount of \$1700 would be returned to Douglas Tobin or his
19 representative. In addition the State agreed to release its lien upon the two bank accounts
20 belonging to Mr. Tobin located at Bank of America and to release its lien on one of the
21 vehicles seized, a 1969 Chevrolet Nova. By the express terms of the Stipulation, all other
22 property seized would remain the property of the State of Washington Department of Fish and
23 Wildlife Statewide Enforcement Program.

24 5. On January 16, 2004 Detective William Jarmon Jr. and I met Stacey Tobin,
25 daughter of Douglas Tobin, at a gas station located at the intersection of Union and Plum
26

DECLARATION OF CHARLES R.
PUDWILL

3

ATTORNEY GENERAL OF WASHINGTON
Torts Division
7141 Cleanwater Drive SW
PO Box 40126
Olympia, WA 98504-0126
(360) 586-6300

10205 1/4/2008 00112

1 Streets in Olympia, Washington. The purpose of this meeting was to transfer certain items of
2 personal property that had been seized on the vessel Typhoon at the time of Douglas Tobin's
3 arrest in March of 2002. Stacey Tobin was designated by Douglas Tobin, who was then
4 incarcerated, as his representative to receive certain items of personal property being returned
5 to him pursuant to the Stipulation on Forfeiture of Property dated December 10, 2003. On this
6 date Detective Jarmon and I transferred various items of personal property which had been
7 removed from the Typhoon following plaintiff's arrest and were being returned pursuant to the
8 December 10, 2003 Stipulation. This included sleeping bags, bedding, pillows, clothing,
9 utensils, eagle feathers, a beaded medicine bag, video tapes and other items of miscellaneous
10 personal property. These items coincided with the property described on the December 10,
11 2003 Stipulation as "[p]ersonal property found on boat Typhoon to include medicine bag,
12 clothes, etc." I made an itemized list of the personal property being transferred to Stacey
13 Tobin at this meeting. Attached hereto as Exhibit D is a copy of my handwritten inventory
14 made at the time of this meeting with Stacey Tobin. I recorded each item on this inventory
15 after Detective Jarmon called each item out to me and delivered each item to Stacey Tobin.
16 Stacey Tobin signed this receipt on January 16, 2004 acknowledging that she received these
17 items on her father's behalf. I personally witnessed her receive these items and sign the receipt
18 which I prepared which is attached as Exhibit D. Records maintained by the Department of
19 Fish and Wildlife indicate that cash in the amount of \$2730 (\$1030 more than the \$1700 in
20 cash to be returned pursuant to the December 10, 2003 Stipulation) was delivered to Mr.
21 Tobin's attorney by check dated January 26, 2005. Records further indicate that the liens
22 placed upon the Bank of America accounts and the Chevrolet Nova were released following
23 entry of the Stipulation dated December 10, 2003.

24 6. The items receipted by Stacey Tobin on Exhibit D coincide with the first twenty
25 four items listed on plaintiff Douglas Tobin's "Personal Inventory Seized by the State of
26

DECLARATION OF CHARLES R.
PUDWILL

4

ATTORNEY GENERAL OF WASHINGTON
Torts Division
7141 Cleanwater Drive SW
PO Box 40126
Olympia, WA 98504-0126
(360) 586-6300

10205 1/4/2008 00113

1 Washington" which he filed in support of his tort claim against the State of Washington. A
 2 copy of this inventory is attached hereto as Exhibit E. The remaining items on Douglas
 3 Tobin's inventory which include the GPS map plotter, marine logs, cellular telephone, personal
 4 papers, maritime charts, vessel registrations, diving logs, video camera, night vision scope and
 5 binoculars were retained as evidence related to the prosecution and were not covered by the
 6 Stipulation dated December 10, 2002. Likewise, the boat equipment, diving gear, tools and
 7 generators were retained because they were either attached to the boat (in the case of the
 8 generators and boating equipment), were otherwise associated with the vessels that were
 9 forfeited or were associated with the crimes committed and were retained as evidence as
 10 forfeited. These items were not items designated to be returned to Mr. Tobin pursuant to the
 11 Stipulation dated December 10, 2003. They remain the property of the State of Washington
 12 Department of Fish and Wildlife Enforcement program pursuant to the terms of the original
 13 Notice of Intent to Forfeit and the express terms of the Stipulation dated December 10, 2003
 14 which expressly states that "the rest of the property seized by the State will become the
 15 property of the State of Washington, Department of Fish and Wildlife Statewide Enforcement
 16 Program."

17 I declare under penalty of perjury under the laws of the State of Washington that the
 18 above declaration is true and correct to the best of my ability.

19 DATED this 20th day of November 2007 at Tumwater, Washington.

21 
 22 CHARLES R. PUDWILL

23 STATE OF WASHINGTON, County of Pierce
 24 ss: I, Kevin Stock, Clerk of the above
 25 entitled Court, do hereby certify that this
 26 foregoing instrument is a true and correct
 copy of the original now on file in my office.
 IN WITNESS WHEREOF, I hereunto set my
 hand and the Seal of said Court this
 day of Feb, 2009
 by Kevin Stock Deputy

DECLARATION OF CHARLES R.
 PUDWILL

5

ATTORNEY GENERAL OF WASHINGTON
 Torts Division
 7141 Cleanwater Drive SW
 PO Box 40126
 Olympia, WA 98504-0126
 (360) 586-6300

10205 1/4/2008 00114

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PROOF OF SERVICE

I certify that I caused to be served a copy of this document on all parties or their counsel of record on the date below as follows:

☒ US Mail Postage Prepaid via Consolidated Mail Service

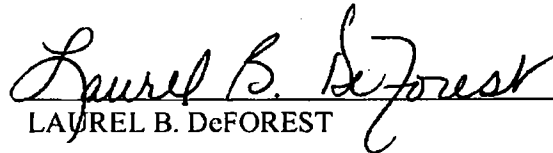
☐ ABC/Legal Messenger

☐ State Campus Delivery

☐ Hand delivered by _____

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this _____ day of January, 2008, at Tumwater, WA.


LAUREL B. DeFOREST

DECLARATION OF CHARLES R.
PUDWILL

6

ATTORNEY GENERAL OF WASHINGTON
Torts Division
7141 Cleanwater Drive SW
PO Box 40126
Olympia, WA 98504-0126
(360) 586-6300

10205 1/4/2008 00115

EXHIBIT A

18205 1/4/2008 80116

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON)
 Plaintiff)
 COUNTY OF PIERCE)
 Defendant)

NO.

SEARCH WARRANT FOR FRUITS,
 INSTRUMENTALITIES AND/OR
 EVIDENCE OF CRIME

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

WHEREAS, upon the sworn affidavit made and filed in the above entitled court, it appears to the undersigned judge of the above entitled court, that there is probable cause to believe that, in violation of the laws of the state of Washington and that fruits, instrumentalities and/or evidence of crime(s) as defined by law, is being possessed, or kept, in on or about and upon certain premises within Pierce and King County, State of Washington, hereinafter designated and described;

NOW, THEREFORE, in the name of the state of Washington, you are hereby commanded, with the necessary and proper assistance, to enter and search said premises and to seize any fruits, instrumentalities and/or evidence of the crimes(s) of:

- (1) RCW 9A.82.060(1) - Leading organized crime, a class A felony;
- (2) RCW 9A.82.050(1)&(2)- Trafficking in stolen property, a class B felony;
- (3) RCW 9A.56.030(1)(a) - Theft in the first degree, a class B Felony;
- (4) RCW 9A.56.040(1)(a) - Theft in the second degree, a class C Felony;
- (5) RCW 77.15.550(2)(a)(b)- Unlawful commercial fishing in closed area and or time in the first degree, a class C felony;
- (6) RCW 77.15.260 (2)(a) - Unlawful trafficking in fish and wildlife in the first degree, a class C felony;
- (7) RCW 77.15.620(1b)(3) - Unlawfully engaging in fish dealing without a license in the first degree, a class C felony;
- (8) RCW 77.15.560(1)(b) - Unlawfully fail to report a commercial fish or shellfish harvest or delivery, a gross misdemeanor;
- (9) RCW 69.30.110 - Unlawful possession of shellfish in a commercial quantity, which have not been grown, shipped or packed in accordance with the provisions of WAC 246-282-090 and WAC 246-282-010(12), a gross misdemeanor as provided for in RCW 69.30.140.

Affidavit for Search Warrant

1

FW-0000033

As described in the affidavit of William Jarmon.

To wit:

- A. All records pertaining to the harvesting, buying and selling of all reported or unreported, geoduck clam, crab or other shellfish product, including any and all business records or sets of records, whether handwritten, printed, typed or contained in a computer or electronic memory. Including all electronic data processing and storage devices, fax machines, Doug Tobin's cellular phone(s), telephone answering machines, electronic memories, computers and computer systems. Computer systems to be seized and analyzed off site include central processing units (CPU's), internal and peripheral storage devices (such as internal hard disks, external hard drives, Zip Drives and disks, floppy diskettes, tape drives, backup tapes, optical storage devices, or other electronic data storage devices), peripheral input/output devices such as keyboards, printers, video display monitors, optical readers and related communications devices, such as modems, as well as papers or files with passwords, together with system operating documentation, manuals, and commercial program software.

The records referenced above in this section relate to the harvesting, purchasing, weighing, processing, storing, transportation of, and sale of all geoduck clams, crab or other shellfish. The business records described are expected to include: cash, bank and financial accounts and details; federal tax returns; credit card account details; account reconciliation records; sales invoices; purchase orders; purchase receipts; State of Washington Fish Receiving Tickets; books or files of accounts; product inventories; sales and purchase ledgers and journals; and any files relating to income and expenses; employee identification records; addresses, identification, and phone numbers of employees, co-conspirators, harvesters, fishermen, and customers; Department of Health Shellfish purchase and sales logs; papers documenting dominion and control of the premises; and other related indicia or memoranda.

- B. All records pertaining to the harvesting, buying and selling of all reported or unreported, geoduck clams or crab product, including any and all bank and cash account records, bank statements, withdrawal and deposit records, wire transfer documentation, check registers, petty cash journals and memoranda, canceled checks payable to cash, employee Lori Kern, or other employees, geoduck and crab harvesters or suppliers, and other checks or documentation to individuals as yet unknown related to payments for the purchase of illegal geoduck clams or crab.
- C. All documents, including telephone and address books identifying individuals as shellfish harvesters by name or telephone number for the time period covering May 1, 1999 to the present.

10205 1/4/2008 00118

- D. Any and all keys, combinations, or passwords to computers, file cabinets, desks, and any locked storage areas, vehicles, vessels or furniture which is capable of holding the evidence sought by this warrant.
- E. All monies in Doug Tobin's business bank accounts at Bank of America, Fife Branch. The bank accounts are identified as Toulouk, Inc. (account #16492605) and Toulouk (account #70458401). These funds represent assets or proceeds derived from Doug Tobin's illegal activities as described in this affidavit. Monies are to be frozen by bank officials so as to be unavailable to the account holders;
- F. All on-board electronic navigational equipment including but not limited to navigational plotters, GPS systems, loran systems, radar systems and Fathometers which may contain within their computer memory, evidence identifying locations of crab and/or geoduck harvesting, and to examine and analyze either on or off site all associated electronic memories contained in the above mentioned items for the purpose of finding and seizing all actively fishing crab pots or associated gear;
- G. Memoranda, notations, or indicia related to any of the above;
- H. Any and all shellfish or foodfish illegally possessed.
- I. Any firearms possessed by previously convicted felons, including Douglas John Martin Tobin.

AND THE VEHICLES AND BOATS LISTED ON PAGES 4 & 5 OF THIS WARRANT AS FRUITS AND INSTRUMENTALITIES OF THE ABOVE LISTED CRIMES.

.....and to safely keep the same and to make a return of said warrant within 10 days, with a particular statement of all the articles seized and the name of the person(s), in whose possession the same were found, if any, if no person can be found in possession of said articles, the return shall so state. A copy of said warrant shall be served upon the person(s) found in possession thereof; if no such persons are found, then a copy should be placed in any conspicuous place upon the premises, together with a receipt for all articles seized.

The said premises above-referred to, located in Pierce County and King County, State of Washington, is designated and described as follows:

Toulouk Seafood, located at 602 53rd Ave. East, Fife, WA. 98424, at the south end of 53d Ave., enclosed by a cyclone fence. The business has an office at the east end of the building with an adjoining plant building that may be entered from office or by way of a large green garage door. The plant and office are white with green trim and the office has windows facing the parking lot;

The personal apartment residence of Douglas Tobin, located in a separate building off the west end of the Toulouk plant building, within the same cyclone fenced area, sharing the same address as Toulouk Seafood, 602 53rd Ave. East, Fife. The apartment portion has a brown

10205 1/4/2008 00119

front and is in the south end of the white colored building with green trim. It shares joint occupancy with a fabrication business, which is located in the north end of the same building. The apartment which houses Doug Tobin is a two story building with windows on both floors facing east as is the entry door on the ground floor;

Wong Tung Seafoods, a retail fish and shellfish store, the front of the business is all glass windows and the name is posted above the front door with red letters and yellow background, located at 210 12th Ave. South, Seattle, WA 98144, in a strip of small stores;

Wong Tung Seafoods warehouse, located at the corner of 24th Ave. South and Plum Street, a light gray building with dark gray trim and a large roll-up door for entry and delivery of seafood product. The building is believed to contain tanks with recirculating oxygenated water for the storage of live seafood such as fish and crab and is situated at 2001 24th Ave. South, Seattle, WA, the address is posted on the north and east side of the building;

Bank of America, Fife Branch located at 5003 Pacific Highway East in Fife, WA;

The person of Douglas John Martin Tobin, owner of Toulouk, Inc., date of birth 04/27/52, Native American, male, 6'01", 270 lbs., brown eyes, shoulder length graying hair;


The person of Xiang (Jack) Sheng Li, last licensed in 1998 as a fish buyer for Daisun International Trading Company, date of birth 09/14/55, Asian, male, 5'09", 165 lbs., brown eyes, black hair. Li resides at 10435 56th Ave. South, Seattle, WA 98178;

A blue 1992 Plymouth Voyager van, license #433 EKN (Wa), registered to Xiang (Jack) Sheng Li, at 10435 56th Ave. South, Seattle, Wa.;

A white 1992 Ford Econoline van, Wa. License #~~18663H~~ registered to Douglas Tobin at 602 53rd Ave. E., Fife, WA;

A white 1995 Ford Van, license #~~A92175B~~ registered to Douglas Tobin at 602 53rd Ave. E., Fife, WA;

A 1983 GMC silver/gray van, Washington license #~~246 KNE~~ registered to Douglas Tobin at 602 53rd Ave. E., Fife, WA;

 A white 1991 Isuzu van, Washington license #02683 Y, registered to Douglas Tobin at 602 53rd Ave. E., Fife, WA;

A teal or turquoise colored 1996 Ford Pickup, license #A31306B, registered to Douglas Tobin;

A maroon and white 1984 GMC Jimmy, Wa. license #~~981 JGU~~ registered to Carrie S. Ahre,

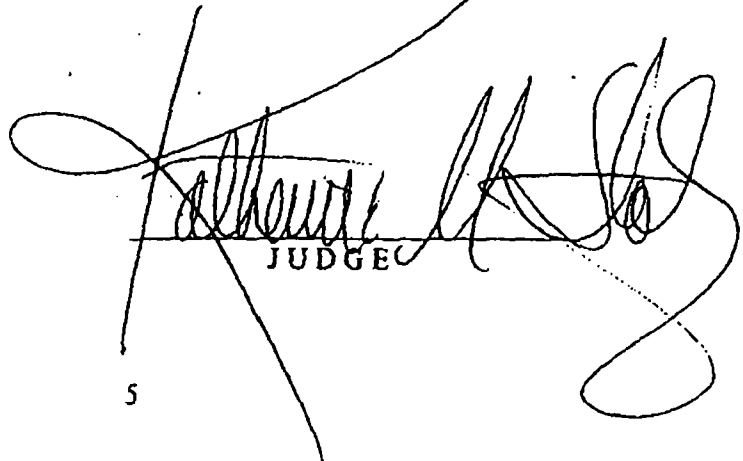
Ashford, Wa. 98304

aConner Series Body/AIDFC42, a 42+ foot Aluminum commercial fishing vessel with a fishing bridge and aluminum mast, and a black tarp covering most of the stern deck, with the name "Typhoon" on the transom and hull, WN 221 SXN, hull identification #BWL5328AM79G, registered to Douglas Tobin @ 602 53rd Ave. E., Fife, WA. Including all electronics, such as a Trac Plotter, on the vessel Typhoon, used to record G.P.S. coordinates that identify specific locations of crab fishing or geoduck harvesting. The vessel is most recently located about 500 yards to the west of the Dockton King County Park and boat launch facility. Access to the moorage is via an unpaved road that leads to a parking area and a large gray, with white trim residence. On the west side of the residence the dock is accessed by a ramp. There are about 8 vessels at the dock. The Typhoon is located on the most seaward end of the dock outside two purse seine vessels and is tied off the F/V Hydra. The Typhoon also has been in the recent past located at Cornell's Landing, a marina on Fox Island. Access to the moorage facility is from Cornell's residence and driveway above the moorage facility;

A 20', 1979, light colored Boston Whaler, WN 9792 G, hull identification #BWL5328AM79G, with 1998 expiration, with outboard engine, registered to Douglas Tobin at 12610 Wind N. Tide Dr. NW, Gig Harbor, WA 98329. The Boston Whaler has been in the recent past located at Cornell's Landing, a marina on Fox Island. Access to the moorage facility is from Cornell's residence and driveway above the moorage facility. The boat may also be at the same location as the F/V Typhoon;

A 17' aluminum bowpicker vessel, with a center console, WN 176 SXN with the name of "SAM" painted on left side of the transom in black letters, according to Squaxin tribal records owned by John Tobin. The F/V Sam has been in the recent past located at Cornell's Landing, a marina on Fox Island. Access to the moorage facility is from Cornell's residence and driveway above the moorage facility. The boat may also be at the same location as the F/V Typhoon.

GIVEN UNDER MY HAND this 15th day of March, 2002, at 10 am/pm


JUDGE

Affidavit for Search Warrant

5

FW-0000037

10205 1/4/2000 00121

EXHIBIT B

10285 1/4/2000 00122

PROPERTY INVENTORY (continuation sheet)

CITATION/CASE #		NAME: F/V Typhoon	
TAG	PROPERTY DESCRIPTION (Include Serial #)	LOCATED / LOCATION HELD	DISPOSITION
C-001	F/V Typhoon (#N-221-SXN) and all associated engines, compressors, equipment, etc.	Swanston, Olympia	
C-002	Garmin GPS "Map 220" plotter Serial # 54202222 w/ manual	Held by W/58	
C-003	Roll of numerous log sheets containing two (2) pages of notes of F/V Typhoon & one of Tobin w/ female	Serial / name / location	
C-004	Notebook containing: Treaty Indian fish tickets, drawing of S. Puget Sound including Fox Island, Vashon Island, Murre Island and Carr Inlet, Manila envelope containing certificate of registration for 1989 Kuma Indian Business license, Shellfish operation license from DOH (dated 10-06-98)	Serial / name / location	
C-005	Banasonic cellular telephone serial # 20057180DEF		

I hereby acknowledge the receipt of the listed article(s) and that the listed article(s) are in the same condition as when seized.

SIGNED: M. S. W80DATE: 03-18-02

CHAIN OF CUSTODY

DISTRIBUTION OF COPIES: WHITE = Storage Location YELLOW = Captain PINK = Headquarters

If item is DESTROYED or RETURNED TO WATER, then the WHITE and PINK copy are forwarded to Headquarters.

Page of

CITATION/CASE

NAME:

F/V TYPHOON

I hereby acknowledge the receipt of the listed article(s) and that the listed article(s) are in the same condition as when seized.

SIGNED:

DATE:

3/19/02

CHAIN OF CUSTODY

3/22/02 WAG

** Item is DESTROYED or RETURNED TO WATER, then the WHITE and PINK copy are forwarded to Headquarters.*

Exhibit A-5
Page 80

10205 1/4/2008 00124

EXHIBIT C

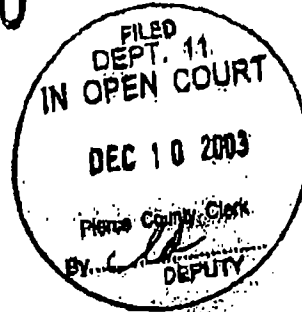
01/12/2009 10:44 FAX 206 798 7365

PIERCE COUNTY PROBATE

10205 1/4/2008 00125

30036 12/11/2003 00027

ORIGINAL



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 02-1-05810-0

vs.

DOUGLAS JOHN MARTIN TOBIN,

Defendant.

STIPULATION ON FORFEITURE OF
PROPERTY

The State of Washington represented by Deputy Prosecutor Tom L. Moore and the defendant DOUGLAS JOHN MARTIN TOBIN represented by Attorney Allen Ressler enter into the following stipulation regarding the forfeiture of property, seized pursuant to a series of search warrants served on March 18th, 2002. The defendant was originally served with a Notice of Seizure and Intent to Forfeit Property on March 22nd, 2002, under cause number 02-1-01236-3. The State subsequently filed an Amended Information under this cause number charging the defendant with Leading Organized Crime.

The State and the Defendant reach the following agreement:

The State will release to the defendant or his representative:

One pair of binoculars

\$850.00 seized from the defendant's person

The State's lien on a 1969 Chevrolet Nova, license CV3982

The State's hold on two bank accounts located at Bank of America, Fife Washington, #16492605 and #70438401

Personal property found on the boat Typhoon to include, medicine bag, clothes, etc.


The rest of the property seized by the State will become the property of the State of Washington Department of Fish and Wildlife, Statewide Enforcement Program and include all property listed in the (Attached) Notice of Intent to Forfeit, except that listed above and any other property seized listed or not, to include electronics on the boat seized, commercial fishing gear and weapons.

reception.doc

Office of the Prosecuting Attorney
230 Tacoma Avenue South, Room 944
Tacoma, Washington 98402-3121
Main Office: (253) 798-7400

FW-0000004

10205 1/4/2008 00126
28826 12/11/2002 00528

1 
Tom L. Moore, DPA #17342

2
3 
Allen Russler, Attorney for Defendant

4
5 
Douglas John Martin Tobin

6
7 **COURT ORDER**

8 The Court being fully advised in this matter and having reviewed the Stipulation
9 of the Parties.

10 **NOW HEREOFRE**

11 **ORDERS** that the property listed above shall be forfeited to the State of Washington,
12 Department of Fish and Wildlife, Statewide Enforcement Program, except that property that by
13 Stipulation is to be returned to the defendant.

14 **DONE IN OPEN COURT** this 10 day of December, 2003.

15 
16 Judge John A. McCarthy
17
18
19
20
21
22
23
24
25

gencaplon.com

Office of the Prosecuting Attorney
930 Tacoma Avenue South, Room 946
Tacoma, Washington 98402-3171
Main Office (360) 794-7400

FW-0000005

10205 1/4/2008 00127

EXHIBIT D

10205 1/4/2008 00128

PROPERTY INVENTORY (Continued)

CITATION/CASE # 01-0011		NAME: TOBIN, DOUG	
TAG	PROPERTY DESCRIPTION (Include Serial #)	LOCATION HELD	DISPOSITION
	(2) Turq. Blue Sleep Bags		
	(2) Blu/Blk Cdeon Sleep Bags		
	(2) Red/Wht/Blu Pillows		
	(1) Bedspread type quilt / Flowers		
	(1) Dark Red/Blue quilt		
	(1) Green Blanket		
	(2) Tribal design quilts		
	(7) Throw pillows Seven(7)		
	(2) Bed type pillows		
	(1) Shave Kit		
	(1) Columbia Boots		
	(3) Coats		
	(2) Pants		
	(5) Shirts		
	(10) Hats		
	(1) Colt Brown Shoes		
	(1) Coffee Maker (1) Teapot		
	(1) Box - Misc Kitchen food consumables		
	(2) Bib Coveralls		
	(1) Outback type Jacket		

I hereby acknowledge the receipt of the listed article(s) and that the listed article(s) are in the same condition as when seized.

SIGNED: _____

DATE: 1/16/04

CHAIN OF CUSTODY

X W. R. Harmon JR. #55
X C. R. Howard #54
01 402

DISTRIBUTION OF COPIES: WHITE = Storage Location YELLOW = Captain PINK = Headquarters

If item is DESTROYED or RETURNED TO WATER, then the WHITE and PINK copy are forwarded to Headquarters.

[illegible]

I hereby acknowledge the receipt of the listed article(s) and that the listed article(s) are in the same condition as when seized.

SIGNED:

DATE:

CHAIN OF CUSTODY

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EXHIBIT E

10205 1/4/2008 00131

PERSONAL INVENTORY SEIZED BY THE STATE OF WASHINGTON
FROM DOUGLAS JOHN MARTIN TOBIN.

INVENTORY LIST OF ITEMS SEIZED BY STATE OF WASHINGTON
AND NOT RETURNED PURSUANT COURT ORDER.

ITEM	VALUE OF ITEM
2 each. Turq Blue Sleeping Bags.	900.00
2 each. Blu/Blk Coleman Sleeping Pages.	300.00
2 each. Red/White pillows.	200.00
1 each. Quilted Bed Spread	400.00
1 each. Dark red/blue quilt.	400.00
1 each. Green blanket.	60.00
2 each. Tribal Quilts.	600.00
7 each. Pillows miscellaneous.	210.00
2 each. Bedroom pillows.	180.00
1 each. Shave Kit.	300.00
1 pair. Columbia Boots.	80.00
3 each. Coats.	600.00
2 pairs. Pants.	120.00
5 each. Shirts	150.00
10 each. Hats miscellaneous.	150.00
1 each. Colt Brown Shoes.	400.00
1 each. Coffee Maker/tea pot.	100.00
2 each. Bib Coveralls.	340.00
1 each. Outback Jacket.	300.00
2 each. Eagle Feathers. (blessed by elders priceless)	100.000.00
1 each. Medicine Bag. (gift from elders priceless)	100.000.00
100 each. Movies VHS/DISC	1.200.00
1 each. Glass case.	1.700.00
1 each. Bird Guide Book.	140.00
1 each. Garman GPS map 220 Plotter.	1.500.00
1 set. Marine Log Sheet (can't be replaced) needs to be re-created or found for Maritime Law, and Maritime use.	100.000.00

Miscellaneous Personal Papers, need to be Found and Returned.

1 each. Celluar Phone.	500.00
7 each. Maritime Charts.	1.500.00
1 each. Vessel Registrations.	10.000.00
Several. Dive Logs needs to be replaced.	50.000.00
1 each. Video Camera.	800.00
1 each. Night Vision Scope.	1.500.00
1 each. Binoculars.	3000.00

NOT LISTED ON ANY SEIZURES.

BOAT EQUIPMENT.

Shackles, Deck Snaps, and Hardware. All Stanless Steel.	4000.00
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DIVE GEAR.

2. Suites, Air tanks, Weight Belts, Communications Computer, Air Pumps, Hosing, Manifolds,. Com System, lines, and assessors.	100.000.00
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TOOLS.

Welder, Grinders, Cutting Torch, Wrenches, Vice, and assorted other tools.	9000.00
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2 each. Generators.	3500.00.
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For a total of \$491.400.00

Douglas Tobin, also request that Interest on said items be issued since to Order of Return of Property on December 10, 2003, at the going Rate of 12% as the State would collect if it was Owed to the State.